

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KTM AG,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS, AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON  
SCHEDULE A HERETO,

Defendants.

Case No. 21-cv-1279

Judge Robert M. Dow, Jr.

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ MOTION TO DISSOLVE OR MODIFY  
THE PRELIMINARY INJUNCTION**

Plaintiff, KTM AG, (“Plaintiff”), by and through its counsel, responds to Defendants’ Motion to Dissolve or Modify the Preliminary Injunction as set forth below.

1. On March 8, 2021, Plaintiff filed a Complaint alleging trademark infringement and counterfeiting, false designation of origin and violation of Illinois Uniform Deceptive Trade Practices Act. [Dkt. No. 1].
2. On April 28, 2021, this Court entered a Temporary Restraining Order, which instructed Amazon.com, Inc. to freeze the accounts of the Defendants listed in Schedule A, which included Defendants No. 3 “abaowus”, No. 10 “Amarzon-Automotive Parts”, No. 44 “Carbour”, No. 110 “GUOLII”, No. 121 “HENGXIANGPARTS” and No. 146 “JOAUTOPARTS”. [Dkt. No. 19].
3. On May 20, 2021, this Court entered a Preliminary Injunction which extended the relief sought in the Temporary Restraining Order. [Dkt. No. 37].

4. On June 8, 2021, Defendants No. 3 “abaowus”, No. 10 “Amarzon-Automotive Parts”, No. 44 “Carbour”, No. 110 “GUOLII”, No. 121 “HENGXIANGPARTS” and No. 146 “JOAUTOPARTS” filed a Motion to Dissolve or Modify the Preliminary Injunction. [Dkt. No. 47]. All six (6) Defendants are represented by the same counsel.
5. On June 24, 2021, the parties reached an asset-restraint agreement whereby the proscribed restrictions set forth in Plaintiff’s Preliminary Injunction for Defendants No. 3 “abaowus”, No. 10 “Amarzon-Automotive Parts”, No. 44 “Carbour”, No. 110 “GUOLII”, No. 121 “HENGXIANGPARTS” and No. 146 “JOAUTOPARTS” are lifted except for a monetary freeze as set forth in a separate order.

Respectfully submitted,

Dated: June 25, 2021

By: s/Michael A. Hierl  
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Attorneys for Plaintiff  
KTM AG

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Response was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on June 25, 2021.

s/Michael A. Hierl